

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYRONE GREEN, }  
Plaintiff, }  
vs. } No. 03-149 Erie  
MARTIN HORN, et al., } Judge McLaughlin  
Defendants. } Magistrate Judge Baxter

**CORRECTIONS DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

AND NOW, come the defendants, Edward T. Brennan, William J. Wolfe, Maxine Overton and William Barr (“the Corrections Defendants”), by their attorneys, Thomas W. Corbett, Jr., Attorney General, Scott A. Bradley, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully move for summary judgment on the Amended Complaint heretofore filed by plaintiff Tyrone Green, upon the following grounds:

1. The pleadings, answers to interrogatories, and admissions on file, etc. show that there are no genuine issues as to any material facts in this case.

2. The Corrections Defendants are entitled to judgment as a matter of law.

Particularly:

3. Plaintiff cannot establish that the Corrections Defendants acted with deliberate indifference with respect to his Eighth Amendment denial of medical care claim

4. The Corrections Defendants are entitled to Eleventh Amendment and/or sovereign immunity as to Plaintiff's state law claims.

5. Plaintiff has failed to adequately allege the personal involvement of these Corrections Defendants in the purported constitutional violations.

6. The Corrections Defendants are alternatively entitled to qualified immunity.

7. The Corrections Defendants have herewith filed a Brief in Support of this Motion, providing reasons in support of the foregoing assertions with greater particularity; the contents therein are incorporated by reference.

8. The following document has been attached hereto:

**Attachment A**      Declaration of Maxine Overton

WHEREFORE, it is respectfully requested that summary judgment be entered in favor of Corrections Defendants Brennan, Wolfe, Overton and Barr, and against the Plaintiff, Tyrone Green.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
Attorney General

BY: /s/ Scott A. Bradley  
SCOTT A. BRADLEY  
Senior Deputy Attorney General  
PA I.D. No. 44627

SUSAN J. FORNEY  
Chief Deputy Attorney General  
Chief Litigation Section

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-7680

Date: December 9, 2005